

**BEFORE THE
FEDERAL ELECTION COMMISSION**

James Schroeder
Chairman, Atlantic County Democratic Committee
P.O. Box 589
Pomona, NJ 08240

Complainant,

v.

National Republican Congressional Committee
320 First Street, S.E.
Washington, D.C. 20003,

Congressman Frank LoBiondo, and
LoBiondo for Congress
PO Box 550
Vineland, NJ 08362

Respondents.

MUR #

6786

OFFICE OF
COUNCIL
CLERK

2014 FEB 21 PM 1:12

FEDERAL
COMMISSION

COMPLAINT

Complainant files this complaint under 2 U.S.C. § 437g(a)(1) against the National Republican Congressional Committee ("NRCC") and Frank LoBiondo and his candidate committee, LoBiondo for Congress (collectively, "Respondents") for violations of the Federal Election Campaign Act (the "Act"), as described herein.

FACTS

The NRCC is the national committee of a political party. Congressman Frank LoBiondo and LoBiondo for Congress have given over \$750,000 in campaign contributions to the NRCC in the past ten years, and the NRCC works on behalf of, and to benefit, Congressman Frank LoBiondo and LoBiondo for Congress. As part of its fundraising efforts, since October 2013, the NRCC has recently engaged in deceptive, misleading and potentially fraudulent activity by establishing a website that is branded as the website of a Democratic congressional candidate.

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This website is seeking donations – and thus seeks to profit in bad faith, through false, fraudulent and deceptive tactics – from utilizing the name of a Democratic congressional candidate, all in violation of 15 U.S.C. § 1125(d).

The NRCC has established a website at the URLs:

<http://www.billhughesjrforcongress.com/>
<http://www.billhughes4congress.com>
<http://www.billhughesforcongress.com>
<http://www.billhughesjr4congress.com>
<http://www.billhughesjr4nj.com>
<http://www.billhughesjrforcongress.com>
<http://www.billhughesjrfornj.com>
<http://www.hughes4nj.com>
<http://www.hughesfornj.com>
<http://www.hughesjr4congress.com>
<http://www.hughesjrforcongress.com>
<http://www.williamhughes4congress.com>
<http://www.williamhughesforcongress.com>
<http://www.williamhughesjr4congress.com>
<http://www.williamhughesjrforcongress.com>.¹

The above-listed URLs are referred to as the “URLs”.

The URLs redirect to the Respondents’ deceptive website. In a Google advertisement paid for by the Respondents, the first result of a search for Bill Hughes Jr. and Congress at www.Google.com reveals the result “Bill Hughes is Running for Congress Learn more today.” When going to the Respondents’ deceptive website, the title “Bill Hughes for Congress” appears on the bar at the top of the web browser. The website contains a banner that reads in small type “Need to Get Out of Jail?,” and then in larger print “‘Better Call Bill!’ Bill Hughes Jr. BILLHUGHESJRFORCONGRESS.COM.” In small type, the page discusses Bill Hughes’ work as a defense attorney, and then contains a very large and conspicuous “DONATE” button. In total, the Respondents placed two buttons on the website to provide visitors two opportunities to contribute. Nothing in the title or text of the body of the website identifies it as a special project.

¹ A screen shot of the website is attached as Attachment A.

or communication of the NRCC. Clicking the "DONATE" button brings the viewer to another page, also at the [http://www. billhughesjrforcongress.com](http://www.billhughesjrforcongress.com) URL. While the page is currently inactive, it presumably would be used for the NRCC to accept contributions. The only reference to the Respondents on the page is disclaimer language printed in small font at the bottom of the page.

LEGAL ARGUMENT

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The Act prohibits an unauthorized committee from including in its name the name of any candidate. 2 U.S.C. § 432(e)(4). Commission rules provide further that an unauthorized committee may not include the name of a candidate in any name under which the committee conducts activities, such as solicitations or other communications, and special projects, unless the title of the special project or other communication "clearly and unambiguously shows opposition to the named candidate." 11 C.F.R. § 102.14(a), (b)(3). The Commission has found that "special projects" include the title of a political committee website. Advisory Opinion 1995-09. This provision was passed because of record evidence that "potential contributors often confuse an unauthorized committee's registered name with the names of its fundraising projects, and wrongly believe that their contributions will be used in support of the candidate(s) named in the project titles." 59 Fed. Reg. 17,267, 17,268 (Apr. 12, 1994). The law also prohibits any person from fraudulently misrepresenting itself as speaking, writing, or otherwise acting or on behalf of any candidate for the purposes of soliciting contributions. 2 U.S.C. § 441h(b)(1).

The NRCC's websites violate these provisions. The billhughesjrforcongress.com website contains the prominent banner "Better Call Bill! Bill Hughes Jr. BILL HUGHESJRFORCONGRESS.COM," as well as the banner "Bill Hughes for Congress" at the very top of the page. In one recent enforcement matter, three Commissioners noted that a

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website's title is "the name that appear[s] at the top of the site." Statement of Reasons of Commissioners Hunter, McGahn, and Petersen, MUR 6399, n.16 (June 23, 2011).² Here, the name of the NRCC's website incorporates a candidate name without showing any opposition to the named candidates.

Moreover, the website is misleading and appears as if it is designed to trick the candidate's supporters into donating to the NRCC. Bill Hughes' name is prominently displayed on the website along with information about him and his business. There is a prominent "DONATE" button on the site. The text does not clearly criticize Hughes in any way; instead, it discusses legal matters that Hughes worked on in a biographical tone. Moreover, the text identifying the NRCC is well below the "DONATE" button and in small font size, so it would be easy for a would-be donor who thought that he had arrived at the candidate's website with hopes of donating to the candidate to click on the "DONATE" button without realizing that he was at the wrong website.

Additionally, the donate page is hosted at the URLs, including www.billhughesirforcongress.com, and not at an NRCC URL. The title identified at the top of the web browser is also that of the individual candidate. An individual who had not heard of the "NRCC" could easily donate through the website thinking that he or she was donating to these

² In that matter, the three Commissioners voted to dismiss a complaint filed against Yoder for Congress, which had set up a website attacking Congressman Yoder's opponent, Stephen Moore, at the url <http://www.stephenmoore.com>. In so finding, they reasoned that section 102.14(a) only prohibits unauthorized committees from incorporating a candidate's name into the name of a special project. They noted further that, even if the rule extended to authorized committees, it would not apply to the Stephen Moore website because the title of the website "conveyed clear and unambiguous opposition to [Moore]." The three Commissioners also noted that the website contained the Yoder for Congress disclaimer. Statement of Reasons of Commissioners Hunter, McGahn, and Petersen, MUR 6399, n.16 (June 23, 2011).

However, simply including a disclaimer on a website, as the NRCC has done here, is not, by itself, sufficient to comply with the rules. In amending section 102.14 to extend to special projects, the Commission specifically rejected stronger disclaimer requirements as a means of preventing donor confusion. See 59 Fed. Reg. 17,269. And if an unauthorized committee could comply with section 102.14 merely by complying with the Act's disclaimer requirements, it would render section 102.14 superfluous.

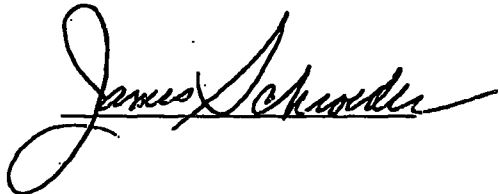
candidates, not realizing that he was, in fact, donating to an organization dedicated to their defeat. Thus, in addition to violating the naming rules at 11 C.F.R. § 102.14, the Commission should investigate whether Respondents have violated 2 U.S.C. § 441h.

Finally, as the Respondents have sought donations, and thus have sought to profit, utilizing the name of a rival political candidate in an internet domain and URL, it is respectfully submitted that the Respondents have violated 15, United States Code, § 1125(d) in that the Respondents have established a web domain in bad faith with the intent to deceive the visitors into believing that they are actually visiting internet web pages established by Bill Hughes. Thus, it is requested that the Commission direct the Respondents to cease its violation of 15, United States Code, § 1125(d) and direct the Respondents to surrender any and all URLs obtained in any combination of the name Bill Hughes to their rightful owner, Bill Hughes.

CONCLUSION

For the reasons described above, we respectfully request the Commission investigate this matter immediately. We respectfully ask that the Commission enjoin Respondents from further violations of the law, and that it fine Respondents the maximum amount permitted by law. The Commission should also investigate whether Respondents' violation was knowing and willful.

Sincerely,



SUBSCRIBED AND SWORN to before me
this 8 day of April, 2014.



Notary Public

My Commission Expires: _____

Atty. Atty. G. L. L.

EXHIBIT A

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HOME

CONTRIBUTE

([HTTP://WWW.BILLHUGHESJRFORCONGRESS.COM](http://www.billhughesjrforcongress.com)) ([BILLHUGHESJRFORCON](http://www.billhughesjrforcongress.com))

NEED TO GET OUT OF JAIL?



BILLHUGHESJRFORCONGRESS.COM

Helping New Jersey's most corrupt criminals since 2002

After a career of making big money trying to keep some of New Jersey's most powerful and corrupt criminals out of prison, Bill Hughes Jr. now wants to take his act to the halls of Congress.

- Represented a former casino host who pled guilty to participating in an interstate racketeering ring.
- Represented a client who pled guilty to falsifying tax returns in a large tax fraud scheme.
- Represented a client who pled guilty to participating in a large internet credit card fraud and criminal copyright network.

DONATE

(<https://www.nrcc.org/bill-hughes-jr-congress/contribute-2/>)

First Name*

Last Name

EXHIBIT B

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BILL HUGHES JR FOR CONGRESS

Web News Videos Images Shopping More Search tools

About 16,000,000 results (0.40 seconds)

Ad related to BILL HUGHES JR FOR CONGRESS

billhughesjrforcongress.com - Bill Hughes for Congress

www.billhughesjrforcongress.com/ ▾

Bill Hughes is Running for Congress Learn More Today.

NRCC Launches Website Against New Jersey Congressional ...

https://www.nrcc.org/.../nrcc-launches-we... ▾ National Republican Con... ▾

NRCC Launches Website Against New Jersey Congressional Candidate Bill Hughes, Jr. Ian Prior | January 13th, 2014. The National Republican Congressional ...

Hughes for Congress | Facebook

https://www.facebook.com/pages/Hughes...Congress/679142995464515 ▾

Hughes for Congress, 285 likes · 25 talking about this. Bill Hughes, Jr. is a Democratic Candidate for the United States House of Representatives from New ...

Bill Hughes Jr. - Press of Atlantic City

www.pressofatlanticcity.com/.../bill-hughes-jr... The Press of Atlantic City ▾

Oct 24, 2013 - ATLANTIC CITY — Northfield resident Bill Hughes Jr. will try to ... seek the Democratic nomination for the state's 2nd Congressional District and ...

Democrat Bill Hughes Jr. campaigns for seat in congress - NBC40.net

www.nbc40.net/.../democrat-bill-hughes-jr-campaigns-for-seat... WMGM-TV ▾

Tonight in Atlantic City, Democrat Bill Hughes Jr. kicked off his campaign for a seat in New Jersey's second congressional district. Hughes outlined his platform ...

William J. Hughes - Wikipedia, the free encyclopedia

en.wikipedia.org/wiki/William_J._Hughes ▾ Wikipedia ▾

After retiring from Congress in 1995, Hughes was appointed by President Bill ... Hughes's son, William J. Hughes, Jr. has considered running for his father's old ...

Hughes

hughesforcongress.net/ ▾

hughes ... I'm running for Congress to improve the quality of life for all South Jersey families. Washington is broken, and the partisanship ... I'm Bill Hughes. I'm a ...

Bill Hughes Jr for Congress

billhughesjrforcongress.com/ ▾

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After a career of trying to keep corrupt criminals out of prison, **Bill Hughes Jr.** now wants to take his act to the halls of **Congress**.

Hughes declares his 2014 challenge of LoBiondo; spurs GOP salvo ...

www.politickernj.com/.../hughes-declares-his-2014-... ▾ Politicker Network ▾

Oct 24, 2013 - Attorney **Bill Hughes, Jr.** is pursuing the Democratic nomination to run for **Congress** against GOP incumbent U.S. Rep. Frank LoBiondo (R-2).

Democrat Bill Hughes Jr. announces he will run for LoBiondo's seat ...

www.phillyburbs.com/...bill-hughes-jr.../article_f1a5a20f-591e-59d0-81... ▾

Oct 25, 2013 - **Bill Hughes Jr.**, a former federal prosecutor and son of former New Jersey Congressman William J. ... That's why I am running for **Congress**."

Hughes to challenge LoBiondo in 2014 Updated - Shore News Today

www.shorenwstoday.com ▸ ... ▸ Regional ▸ Cape May County ▾

Oct 25, 2013 - ATLANTIC CITY – Bill Hughes Jr wants to follow in his father's ... website as www.nrcc.org/bill-hughes-jr-congress/ saying he's made a career of ...

Ad related to **BILL HUGHES JR FOR CONGRESS**

Curt Clawson

www.curtclawson.com/ ▾

The Outsider Who Can Clean Up Washington. Learn More Here.

1 2 3 4 5 6 7 8 9 10

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